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Summary record of the 38th meeting
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Chairman: Mr. Sharma ..... (Nepal)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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The meeting was called to order at 3.05 p.m.

Agenda item 116: Pattern of conferences (*continued*) (A/C.5/57/L.52)

Draft resolution A/C.5/57/L.52

1. *Draft resolution A/C.5/57/L.52 was adopted.*

2. **Mr. Iossifov** (Russian Federation) noted that, as a result of the difficulties encountered during the informal consultations on the item of pattern of conferences, the draft text did not contain certain important provisions that were traditionally included in the Committee's draft resolution on the item. In the draft text, the General Assembly would approve the revised calendar of conferences and meetings of the United Nations for 2003 and decide to resume consideration of the reports of the Secretary-General on pattern of conferences and on improving the performance of the Department of General Assembly Affairs and Conference Services, in order to take action on them. Member States had thus unequivocally confirmed their intention to clearly express their positions on the proposed reforms of conference services, including the concept of an integrated service, which needed further clarification by the Secretariat and further refining by Member States. Some elements of the draft proposals, such as the tendency towards over-centralization and the review of the distribution of authority, were contrary to the idea of the delegation of authority. Other elements should be the subject of a constructive dialogue within the Secretariat aimed at reviewing specific aspects of the Department's work.

3. The Committee on Conferences had requested clarification of how the proposals for reform of the main types of services had been elaborated and had taken note of the criticism by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) of the proposed revision of the budgetary authority of the various sections of the Department. He wished to confirm his delegation's understanding that the implementation of the proposed measures, and in particular the review of administrative bulletins, would not begin without the General Assembly's explicit approval.

4. **Mr. Alarcón** (Costa Rica), speaking on behalf of the Rio Group, said that the Group shared the understanding of the Russian delegation that no administrative measures would be implemented before the Fifth Committee had had an opportunity to consider and approve them.

5. **Mr. Ho** Wei Hong (Singapore), speaking in his capacity as coordinator of the informal consultations, reiterated his understanding that informal consultations would continue with a view to the adoption of a draft resolution on the item at the beginning of the first part of the General Assembly's resumed fifty-seventh session.

6. **Mr. Herrera** (Mexico), speaking on behalf of the Spanish-speaking members of the Committee, reaffirmed the commitment of those States to multilingualism. The Spanish-speaking States noted with concern the situation in the Spanish Translation Service, where the poor quality of translations was due to the existence of 16 vacant posts occupied by temporary staff and to the fact that the number of posts allocated to the Spanish Service was lower than the number that had been allocated to other language services with the same workload. As soon as consideration of the item resumed, the Spanish-speaking Member States would urge the Secretary-General to take all necessary steps to reduce the differences between services with respect to the number of posts and to expedite the recruitment of permanent translators to fill existing vacancies. They also requested the Department of General Assembly and Conference Management to provide at the first part of the resumed fifty-seventh session of the General Assembly updated information on the vacancies in the Spanish Translation Service.

7. **Ms. Silot Bravo** (Cuba) regretted the Committee's failure to reach agreement on the item, which had particular importance in the light of the adverse impact of the cost-cutting measures that had been adopted earlier in the year. Efficient conference services were of critical importance to the Organization and a resolution reflecting that need should be adopted early in the first part of the resumed fifty-seventh session of the General Assembly. Her delegation wished to reiterate its understanding that the Secretariat would not take action on the issues under consideration until such time as the General Assembly had pronounced on them.

8. **Mr. Nakkari** (Syrian Arab Republic) regretted the Committee's decision to defer consideration of the item to the resumed session of the General Assembly. The failure to reach agreement had been due to the

unwillingness of one party to negotiate and to the "take it or leave it" attitude which that party had adopted. His delegation had joined in the consensus on the current text based on the clear understanding that implementation of some of the reform measures were within the prerogative of the Secretary-General while others were within the competence of the General Assembly and that no measure that fell within the General Assembly's purview would be acted upon without the Assembly's approval.

9. **Mr. Christiansen** (Denmark), speaking on behalf of the European Union, expressed regret at the limited progress that had been made during the negotiations on the item under consideration. The Union was willing to work with all other groups and delegations on finalizing a more substantive draft text early in the first part of the Assembly's resumed fifty-seventh session. Such a text should recognize the Secretary-General's prerogatives and responsibility under the Charter of the United Nations to implement measures for the conduct of the Organization's work.

10. **Ms. Buchanan** (New Zealand) said that, while the Secretary-General could not implement measures that affected mandates without the approval of the General Assembly, he must be able to carry on the work of the Secretariat under the authority granted to him by the Charter.

11. **Mr. Dutton** (Australia) said that his delegation shared the views expressed by the representatives of Denmark, speaking on behalf of the European Union, and of New Zealand concerning the Secretary-General's prerogatives and responsibility under the Charter to conduct the business of the Organization.

12. **Mr. Kramer** (Canada) said that the Committee had spent a great deal of time on the item because of its importance to the Organization and because of the large share of the budget that was allocated to conference services. Most of the proposals contained in the Secretary-General's report on improving the performance of the Department of General Assembly Affairs and Conference Services (A/57/289) were within the purview of the Secretary-General as chief administrative officer of the Organization.

13. **Mr. Kennedy** (United States of America) said that implementation of any measure that required changes to existing resolutions and decisions of the General Assembly must await action by the Fifth Committee in 2003.

Agenda item 112: Programme budget for the biennium 2002-2003 (*continued*)

Estimates in respect of matters of which the Security Council is seized (*continued*) (A/C.5/57/L.43)

Draft resolution A/C.5/57/L.43

14. *Draft resolution A/C.5/57/L.43 was adopted*

First performance report (*continued*) (A/C.5/57/L.48)

Draft resolution A/C.5/57/L.48

15. *Draft resolution A/C.5/57/L.48 was adopted.*

Contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/57/33)

16. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), orally introducing the Advisory Committee's report on the contingency fund: consolidated statement of programme budget implications and revised estimates, said that the Advisory Committee recommended approval of the proposal contained in paragraph 3 of the Secretary-General's report (A/C.5/57/33) for the appropriation of the amount of $1,490,200 from the contingency fund. Should the General Assembly proceed on the basis of the Advisory Committee's recommendation, it should note that an amount of $31,200 would remain in the contingency fund.

17. **Ms. Silot Bravo** (Cuba) said that all relevant bodies should be informed of the balance remaining in the contingency fund, even though the amount was small.

18. **The Chairman** proposed that the Fifth Committee should recommend to the General Assembly to note that a balance of $31,200 would remain in the contingency fund.

19. *It was so decided.*

United Nations Institute for Training and Research (continued) (A/C.5/57/L.38/Rev.1 and L.50)

Draft resolutions A/C.5/57/L.38/Rev.1 and L.50

20. **Mr. Tilemans** (Belgium), coordinator of the informal consultations on the item, introduced draft resolution A/C.5/57/L.50, which he recommended that the Committee should adopt by consensus.

21. *Draft resolution A/C.5/57/L.50 was adopted.*

22. **Mr. Pulido León** (Venezuela), speaking on behalf of the Group of 77 and China, said that, in the light of the consensus that had been reached on draft resolution A/C.5/57/L.50, the Group of 77 and China withdrew the draft text contained in A/C.5/57/L.38/Rev.1.

23. **Ms. Udo** (Nigeria) said that, in a spirit of cooperation and flexibility, the Group of 77 and China had joined in the consensus on the draft text just adopted, even though her delegation would have preferred to see the United Nations Institute for Training and Research (UNITAR) granted rent-free office space. UNITAR had been doing an excellent job and her delegation hoped that when the Secretary-General reported to the General Assembly at its fifty-eighth session on its financial viability, the Committee would be able to support a permanent financial solution to the Institute's current difficulties.

24. **Mr. Sach** (Director of the Programme Planning and Budget Division) said that, in paragraph 4 of the draft resolution just adopted, the Secretary-General was requested to address specific proposals and options on how best to address the issue of the Institute's maintenance and rental costs, drawing on the provisions made for other organizations associated with the United Nations, including the United Nations Research Institute for Social Development (UNRISD) and the United Nations Institute for Disarmament Research (UNIDIR).

Draft report of the Fifth Committee (A/C.5/57/L.49)

25. **The Chairman** drew attention to the draft report and invited the Committee to take a decision on the recommendations contained in section IV.

Draft resolution I

26. **The Chairman** recalled that all sections of draft resolution I, entitled "Questions relating to the programme budget for the biennium 2002-2003", had been adopted at previous meetings of the Committee.

Draft resolution II

27. **The Chairman** drew attention to draft resolution II, entitled "Programme budget for the biennium 2002-2003".

28. *Draft resolution II was adopted.*

Draft decisions I-XXV

29. **The Chairman** recalled that draft decisions I to XXV had been adopted by the Committee at previous meetings.

Agenda item 111: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Proposed programme budget outline for the biennium 2004-2005 (continued) (A/C.5/57/L.45)

Draft resolution A/C.5/57/L.45

30. *Draft resolution A/C.5/57/L.45 was adopted.*

31. **Ms. Silot Bravo** (Cuba), speaking in explanation of position, said that her delegation looked forward to the implementation of paragraph 8 of the draft resolution, in which the Secretary-General was requested to make appropriate provisions in the proposed programme budget for the biennium 2004-2005 to minimize adverse impacts on the provision of adequate conference and related services.

32. **Mr. Yamazaki** (Japan) said that the draft resolution reaffirmed both section VI of General Assembly resolution 45/248 B and rule 153 of the rules of procedure of the General Assembly.

33. In section VI of its resolution 45/248 B, the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with responsibilities for administrative and budgetary matters, reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions, and expressed concern at the tendency of its substantive Committees to involve themselves in administrative

and budgetary matters. Unfortunately, that tendency had been evident in a number of matters which the Fifth Committee had considered during the fifty-seventh session of the Assembly. The Secretary-General, in his capacity as chief administrative officer, was responsible for estimating the resource requirements of programme activities mandated by Member States. Those estimates were then comprehensively debated by the Fifth Committee. However, the Main Committees had been taking steps to "pre-allocate" budgets.

34. Under the terms of rule 153 of the rules of procedure of the General Assembly, no resolution involving expenditure should be recommended by a committee for approval by the General Assembly unless it was accompanied by an estimate of expenditures prepared by the Secretary-General and until the Fifth Committee had had an opportunity of stating the effect of the proposal upon the budget estimates. However, during the current session, that sequence had sometimes not been followed. In the case of the International Research and Training Institute for the Advancement of Women (INSTRAW), the Fifth Committee had decided to recommend to the General Assembly an allocation of $250,000, charged to the contingency fund. The original basis of that recommendation had been draft resolution A/C.3/57/L.16/Rev.1, in which the Third Committee endorsed the recommendations of the Working Group on the Future Operations of INSTRAW, including the recommendation for an allocation of $500,000 from the Organization's regular budget to finance the core activities of the Institute. His delegation believed that the adoption of such a resolution by the Third Committee ran counter to the spirit of section VI of General Assembly resolution 45/248 B.

35. In the case of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Third Committee had adopted a draft resolution (A/C.3/57/L.30), and a statement of programme budget implications (A/C.3/57/L.42) had been issued in accordance with rule 153 of the rules of procedure of the General Assembly. However, the Fifth Committee had not yet had time to consider the statement and it would therefore be procedurally questionable for the General Assembly to adopt the resolution in question.

36. In connection with the same issue, his delegation was concerned at the level of expenditure that would be incurred by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Optional Protocol provided that such expenditure should be determined by the Subcommittee on Prevention and borne by the United Nations. If the Optional Protocol entered into force during the biennium 2004-2005 and its requirements were submitted to the Fifth Committee, his delegation would study those requirements carefully in the light of the position it had adopted.

Biennial programme of work of the Fifth Committee for 2003-2004 (continued)

Draft decision A/C.5/57/L.41

37. *Draft decision A/C.5/57/L.41 was adopted.*

38. **Ms. Lock** (South Africa) said that her delegation had expressed its firm support for peacekeeping operations, humanitarian and related activities and development initiatives in Africa and the developing world in a recent statement to the Committee on the annual report of the Office of Internal Oversight Services (OIOS) (A/57/451). Her delegation had condemned any form of sexual and/or commercial exploitation by humanitarian and peacekeeping staff and police monitors. It was concerned that, because of a lack of resources, OIOS had been unable to complete its investigation of allegations of rape, sexual exploitation, smuggling and embezzlement in a peacekeeping mission in Africa and had enquired when the investigation could be expected to continue. The Fifth Committee had not been able to conclude its consideration of the matter, which would have to be taken up again at the resumed session of the General Assembly. Her delegation hoped that OIOS would be able to provide answers to its questions at that time.

Action taken on certain items (continued)

Draft decision A/C.5/57/L.42

39. *Draft decision A/C.5/57/L.42 was adopted.*

Closure of the work of the Fifth Committee during the main part of the fifty-seventh session of the General Assembly

40. After an exchange of courtesies, during which the Committee also bade farewell to Mr. Joseph Connor, Under-Secretary-General for Management, and to

Ms. Rafiah Salim, Assistant Secretary-General for Human Resources Management, who were leaving the Organization, and in which **Mr. Sahakov** (Armenia), on behalf of the Group of Eastern European States, **Mr. Pulido León** (Venezuela), on behalf of the Group of 77 and China and of the Group of Latin American and Caribbean States, **Mr. Lenefors** (Sweden), on behalf of the Western European and Other States Group, **Mr. Yamazaki** (Japan), on behalf of the Asian Group of States, and **Mr. Repasch** (United States of America) took part, **the Chairman** declared that the Fifth Committee had completed its work for the main part of the fifty-seventh session of the General Assembly.

The meeting rose at 4.40 p.m.